

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MONIQUE SYKES, *et al.*,

Plaintiffs,

- against -

MEL S. HARRIS AND ASSOCIATES LLC; *et al.*,

Defendants.

ECF Case
No. 09 Civ. 8486 (DC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Settlement, the Declaration of Matthew D. Brinckerhoff, dated November 12, 2015, and upon all prior pleadings, Plaintiffs, by their counsel Emery Celli Brinckerhoff & Abady, LLP ("ECBA"), New Economy Project ("NEP"), and MFY Legal Services, Inc. ("MFY"), will move this Court at the United States Courthouse, 40 Foley Square, New York, New York, before the Honorable Denny Chin, United States Circuit Judge, for an Order:

- (i) Granting preliminary approval of the settlement with the Leucadia Defendants and the settlement with the Mel Harris Defendants and Samserv Defendants;
- (ii) Certifying the expanded settlement classes and appointing Plaintiffs as the class representatives and ECBA, NEP, and MFY as class counsel for the expanded settlement classes;
- (iii) Approving the form, content and manner of notice to the settlement classes and authorizing notice to be distributed in that manner;

- (iv) Granting preliminary approval of Plaintiffs' Proposed Plan of Allocation;
- (v) Approving Epiq Systems to serve as the class administrator;
- (vi) Approving the entry of an agreement with a third-party law firm (Stephen Einstein & Associates) to have them suspend the collection of LR Credit debts immediately (pending final approval) by notifying class members who are making payments and notifying banks, sheriffs, marshals and similar entities who are collecting LR Credit debts to suspend such activity, pursuant to an agreement entered into between Plaintiffs and the law firm (with the approval of the Leucadia Defendants, who own the debts and retained the law firm) and approving payment of \$500,000, in the aggregate, as an Administrative Expense, for that purpose;
- (vii) Setting a hearing date for consideration of final approval of the settlement with the Leucadia Defendants and the settlement with the Mel Harris Defendants and Samserv Defendants; and
- (viii) Granting such other and further relief as may be just and proper.

Dated: November 12, 2015
New York, New York

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